

DEMAND FOR TRIAL BY JURY

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4. Defendant, Norman Vincent Mills, is an individual over the age of nineteen (19) years and a resident of the State of Virginia.

5. Defendant, Burgess Trucking Company, Inc. (hereinafter “Burgess”), is a Virginia corporation with its principal place of business in Virginia which at all times pertinent to this civil action operated a trucking business within the State of Alabama and which employed Norman Vincent Mills as the driver of a commercial vehicle on the date of the collision forming the basis of the Plaintiff’s Complaint.

FACTUAL ALLEGATIONS

6. Plaintiff adopts and incorporates paragraphs one (1) through five (5) as if fully set out herein.

7. On or about March 1, 2016, Plaintiff was a passenger in a vehicle traveling on US Highway 280 between Inverness Parkway and Valleydale Road in Shelby County, Alabama.

8. At the same time and place, Norman Vincent Mills was operating a tractor-trailer for Burgess.

9. At the same time and place, Norman Vincent Mills struck the vehicle occupied by Plaintiff, Beverly Baldwin.

COUNT I

Negligence/Wantonness

10. Plaintiff adopts and incorporates paragraphs one (1) through nine (9) as if fully set out herein.

11. Norman Vincent Mills, while acting in the line and scope of his employment with Defendant Burgess breached his duty by negligently or wantonly causing and/or allowing his tractor-trailer to collide with the vehicle occupied by Plaintiff, Beverly Baldwin.

12. Norman Vincent Mills was under a duty at the time of the incident forming the basis of Plaintiff's Complaint to refrain from operating a motor vehicle negligently or wantonly.

13. As a direct and proximate consequence of the negligence or wanton conduct of the Defendant, the Plaintiff, Beverly Baldwin, was caused to suffer the following injuries and damages:

- (a) she was caused to incur medical expenses to treat and cure her injuries;
- (b) she will be caused to incur medical expenses in the future;
- (c) she was caused to suffer physical pain and mental anguish;
- (d) she was permanently injured;
- (e) her vehicle was rendered less valuable;
- (f) and she was caused to be injured and damaged, all to her detriment.

14. Accordingly, Plaintiff brings this action against Defendant, Norman Vincent Mills, for negligence/wantonness.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the jury selected to hear this case render a verdict for the Plaintiff, and against Defendants *jointly and severally* for compensatory and punitive damages in an amount in excess of the jurisdictional requirements of this Court. Furthermore, the Plaintiff requests that the Court enter a judgment consistent with the jury's verdict, together with interest from the date of judgment and the costs incurred in prosecuting this lawsuit.

COUNT II

Respondeat Superior

15. The Plaintiff adopts and incorporates paragraphs one (1) through fourteen (14) as if fully set out herein.

16. On March 1, 2016, at the time of the occurrence forming the basis of the Plaintiff's Complaint, Defendant Burgess was the principal and/or employer of Norman Vincent Mills.

17. At the time of the occurrence forming the basis of the Plaintiff's Complaint, Norman Vincent Mills was acting as the agent, servant and/or employee of Defendant Burgess.

18. At the time of the occurrence forming the basis of the Plaintiff's Complaint, Norman Vincent Mills was acting within the line and scope of his employment with Defendant Burgess.

19. At the time of the occurrence forming the basis of the Plaintiff's Complaint, Norman Vincent Mills was operating a tractor-trailer in furtherance of the business purposes of Defendant Burgess.

20. As a result of the foregoing, Defendant Burgess, is *vicariously liable* to Plaintiff for the negligent or wanton conduct of Norman Vincent Mills that proximately caused the injuries to Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the jury selected to hear this case render a verdict for the Plaintiff, and against Defendants, *jointly and severally*, for compensatory and punitive damages in an amount in excess of the jurisdictional requirements of this Court. Furthermore, the Plaintiff requests that the Court enter a judgment consistent with the jury's verdict, together with interest from the date of judgment and the costs incurred in prosecuting this lawsuit.

COUNT III

Negligent/Wanton Hiring, Training, Retention and/or Entrustment

21. The Plaintiff adopts and incorporates paragraphs one (1) through twenty (20) as if fully set out herein.

22. At the time of the occurrence forming the basis of the Plaintiff's Complaint, Norman Vincent Mills, was acting as the agent, servant and/or employee of Defendant Burgess.

23. As Norman Vincent Mills' principal and/or employer, Defendant Burgess, had a duty to exercise due and proper diligence in an effort to hire, train and/or supervise competent employees.

24. Defendant Burgess negligently or wantonly breached this duty by failing to hire, train or supervise competent employees on or about the date of the occurrence made the basis of the Plaintiff's Complaint.

25. As a proximate consequence thereof, Plaintiff was injured and damaged as set out above.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the jury selected to hear this case render a verdict for the Plaintiff, and against Defendants for compensatory and punitive damages in an amount in excess of the jurisdictional requirements of this Court. Furthermore, Plaintiff requests that the Court enter a judgment consistent with the jury's verdict, together with interest from the date of judgment and the costs incurred in prosecuting this lawsuit.

/s/ Kenneth E. Riley

Kenneth E. Riley (asb-9731-171k)

Anastasia M. Allmon (asb-4800-y19b)

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PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY.

TO CLERK: PLEASE SERVE DEFENDANTS VIA CERTIFIED MAIL:

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